

AMENDED IN SENATE APRIL 29, 2014

SENATE BILL

No. 1099

Introduced by Senator Steinberg

(Coauthors: Senators Anderson, Beall, Cannella, and Correa)

(Coauthors: Assembly Members Achadjian, Bonta, Chávez, Chesbro, Frazier, Lowenthal, Medina, Nestande, Quirk, Weber, and Yamada)

February 19, 2014

An act to amend Sections 358.1, 361.2, 362.1, 366, 366.1, 366.3, 388, and 16002 of the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1099, as amended, Steinberg. Dependent children: sibling visitation.

(1) Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court in certain cases, including when the child is abused, a parent or guardian fails to adequately supervise or protect the child, as specified, or a parent or guardian fails to provide the child with adequate food, clothing, shelter, or medical treatment.

Existing law permits any person to petition the juvenile court to assert a sibling relationship with a dependent child or a child who is the subject of a petition for adjudication as a dependent child and ~~request~~ *make* certain requests, including a request for visitation with the dependent child.

This bill would also authorize a dependent child or a nonminor dependent to request visitation with a sibling who is in the physical custody of a common legal or biological parent. The bill would ~~require~~ *authorize* a court to grant those requests for visitation unless it is ~~shown~~

~~by clear and convincing evidence determined by the court~~ that visitation is contrary to the safety and well-being of any of the siblings.

(2) Existing law requires, in order to maintain ties between the parent or guardian and any siblings and a child placed in foster care, an order placing a child in foster care and ordering reunification services to provide for visitation between the parent or guardian and the child and for visitation between any siblings and the child.

This bill would additionally require an order placing a child in foster care and ordering reunification services to provide for review of the reasons for any suspension of sibling visitation at each periodic review hearing and for a requirement that, in order for the suspension to continue, a court make a renewed finding that sibling interaction is contrary to the safety or well-being of either child.

(3) Existing law requires that the status of a dependent child in foster care be reviewed periodically, but no less frequently than once every 6 months. Existing law requires a court to determine specified information at that hearing, including whether the child has any siblings under the court's jurisdiction, and, if any siblings exist and are not placed with the child, the frequency and nature of the visits between siblings.

Existing law requires a social worker or child advocate appointed by the court, when preparing certain social studies or evaluations, to include specified information, including whether the child has any siblings under the court's jurisdiction, and, if any siblings exist and are not placed with the child, the frequency and nature of the visits between siblings.

This bill would additionally require, if any siblings exist and are not placed with the child, the court to determine, and require a social worker or child advocate appointed by the court to include in those social studies or evaluations, whether any visits between the siblings are supervised or unsupervised, and if visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised, a description of the location and length of any visits, and any plan to increase visitation between siblings. By requiring county social workers to include additional information in certain social studies or evaluations, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 358.1 of the Welfare and Institutions
2 Code is amended to read:
3 358.1. Each social study or evaluation made by a social worker
4 or child advocate appointed by the court, required to be received
5 in evidence pursuant to Section 358, shall include, but not be
6 limited to, a factual discussion of each of the following subjects:
7 (a) Whether the county welfare department or social worker has
8 considered child protective services, as defined in Chapter 5
9 (commencing with Section 16500) of Part 4 of Division 9, as a
10 possible solution to the problems at hand, and has offered these
11 services to qualified parents if appropriate under the circumstances.
12 (b) What plan, if any, for return of the child to his or her parents
13 and for achieving legal permanence for the child if efforts to reunify
14 fail, is recommended to the court by the county welfare department
15 or probation officer.
16 (c) Whether the best interests of the child will be served by
17 granting reasonable visitation rights with the child to his or her
18 grandparents, in order to maintain and strengthen the child's family
19 relationships.
20 (d) (1) Whether the child has siblings under the court's
21 jurisdiction, and, if any siblings exist, all of the following:
22 (A) The nature of the relationship between the child and his or
23 her siblings.
24 (B) The appropriateness of developing or maintaining the sibling
25 relationships pursuant to Section 16002.
26 (C) If the siblings are not placed together in the same home,
27 why the siblings are not placed together and what efforts are being
28 made to place the siblings together, or why those efforts are not
29 appropriate.
30 (D) If the siblings are not placed together, all of the following:
31 (i) The frequency and nature of the visits between the siblings.

1 (ii) If there are visits between the siblings, whether the visits
2 are supervised or unsupervised. If the visits are supervised, a
3 discussion of the reasons why the visits are supervised, and what
4 needs to be accomplished in order for the visits to be unsupervised.

5 (iii) If there are visits between the siblings, a description of the
6 location and length of the visits.

7 (iv) Any plan to increase visitation between the siblings.

8 (E) The impact of the sibling relationships on the child's
9 placement and planning for legal permanence.

10 (2) The factual discussion shall include a discussion of indicators
11 of the nature of the child's sibling relationships, including, but not
12 limited to, whether the siblings were raised together in the same
13 home, whether the siblings have shared significant common
14 experiences or have existing close and strong bonds, whether either
15 sibling expresses a desire to visit or live with his or her sibling, as
16 applicable, and whether ongoing contact is in the child's best
17 emotional interest.

18 (e) If the parent or guardian is unwilling or unable to participate
19 in making an educational decision for his or her child, or if other
20 circumstances exist that compromise the ability of the parent or
21 guardian to make educational decisions for the child, the county
22 welfare department or social worker shall consider whether the
23 right of the parent or guardian to make educational decisions for
24 the child should be limited. If the study or evaluation makes that
25 recommendation, it shall identify whether there is a responsible
26 adult available to make educational decisions for the child pursuant
27 to Section 361.

28 (f) Whether the child appears to be a person who is eligible to
29 be considered for further court action to free the child from parental
30 custody and control.

31 (g) Whether the parent has been advised of his or her option to
32 participate in adoption planning, including the option to enter into
33 a postadoption contact agreement as described in ~~Section 8714.7~~
34 ~~8616.5~~ of the Family Code, and to voluntarily relinquish the child
35 for adoption if an adoption agency is willing to accept the
36 relinquishment.

37 (h) The appropriateness of any relative placement pursuant to
38 Section 361.3. However, this consideration may not be cause for
39 continuance of the dispositional hearing.

1 (i) Whether the caregiver desires, and is willing, to provide legal
2 permanency for the child if reunification is unsuccessful.

3 (j) For an Indian child, in consultation with the Indian child's
4 tribe, whether tribal customary adoption is an appropriate
5 permanent plan for the child if reunification is unsuccessful.

6 (k) On and after the date that the director executes a declaration
7 pursuant to Section 11217, whether the child has been placed in
8 an approved relative's home under a voluntary placement
9 agreement for a period not to exceed 180 days, the parent or
10 guardian is not interested in additional family maintenance or
11 family reunification services, and the relative desires and is willing
12 to be appointed the child's legal guardian.

13 SEC. 2. Section 361.2 of the Welfare and Institutions Code is
14 amended to read:

15 361.2. (a) When a court orders removal of a child pursuant to
16 Section 361, the court shall first determine whether there is a parent
17 of the child, with whom the child was not residing at the time that
18 the events or conditions arose that brought the child within the
19 provisions of Section 300, who desires to assume custody of the
20 child. If that parent requests custody, the court shall place the child
21 with the parent unless it finds that placement with that parent would
22 be detrimental to the safety, protection, or physical or emotional
23 well-being of the child.

24 (b) If the court places the child with that parent it may do any
25 of the following:

26 (1) Order that the parent become legal and physical custodian
27 of the child. The court may also provide reasonable visitation by
28 the noncustodial parent. The court shall then terminate its
29 jurisdiction over the child. The custody order shall continue unless
30 modified by a subsequent order of the superior court. The order
31 of the juvenile court shall be filed in any domestic relation
32 proceeding between the parents.

33 (2) Order that the parent assume custody subject to the
34 jurisdiction of the juvenile court and require that a home visit be
35 conducted within three months. In determining whether to take
36 the action described in this paragraph, the court shall consider any
37 concerns that have been raised by the child's current caregiver
38 regarding the parent. After the social worker conducts the home
39 visit and files his or her report with the court, the court may then
40 take the action described in paragraph (1), (3), or this paragraph.

1 However, nothing in this paragraph shall be interpreted to imply
2 that the court is required to take the action described in this
3 paragraph as a prerequisite to the court taking the action described
4 in either paragraph (1) or (3).

5 (3) Order that the parent assume custody subject to the
6 supervision of the juvenile court. In that case the court may order
7 that reunification services be provided to the parent or guardian
8 from whom the child is being removed, or the court may order that
9 services be provided solely to the parent who is assuming physical
10 custody in order to allow that parent to retain later custody without
11 court supervision, or that services be provided to both parents, in
12 which case the court shall determine, at review hearings held
13 pursuant to Section 366, which parent, if either, shall have custody
14 of the child.

15 (c) The court shall make a finding either in writing or on the
16 record of the basis for its determination under subdivisions (a) and
17 (b).

18 (d) Part 6 (commencing with Section 7950) of Division 12 of
19 the Family Code shall apply to the placement of a child pursuant
20 to paragraphs (1) and (2) of subdivision (e).

21 (e) When the court orders removal pursuant to Section 361, the
22 court shall order the care, custody, control, and conduct of the
23 child to be under the supervision of the social worker who may
24 place the child in any of the following:

25 (1) The home of a noncustodial parent as described in
26 subdivision (a), regardless of the parent's immigration status.

27 (2) The approved home of a relative, regardless of the relative's
28 immigration status.

29 (3) The approved home of a nonrelative extended family
30 member as defined in Section 362.7.

31 (4) A foster home in which the child has been placed before an
32 interruption in foster care, if that placement is in the best interest
33 of the child and space is available.

34 (5) A suitable licensed community care facility, except a
35 runaway and homeless youth shelter licensed by the State
36 Department of Social Services pursuant to Section 1502.35 of the
37 Health and Safety Code.

38 (6) With a foster family agency to be placed in a suitable
39 licensed foster family home or certified family home which has
40 been certified by the agency as meeting licensing standards.

1 (7) A home or facility in accordance with the federal Indian
2 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

3 (8) A child under ~~the age of~~ six years *of age* may be placed in
4 a community care facility licensed as a group home for children,
5 or a temporary shelter care facility as defined in Section 1530.8
6 of the Health and Safety Code, only under any of the following
7 circumstances:

8 (A) (i) When a case plan indicates that placement is for purposes
9 of providing short term, specialized, and intensive treatment to the
10 child, the case plan specifies the need for, nature of, and anticipated
11 duration of this treatment, pursuant to paragraph (2) of subdivision
12 (c) of Section 16501.1, the facility meets the applicable regulations
13 adopted under Section 1530.8 of the Health and Safety Code and
14 standards developed pursuant to Section 11467.1 *of this code*, and
15 the deputy director or director of the county child welfare
16 department or an assistant chief probation officer or chief probation
17 officer of the county probation department has approved the case
18 plan.

19 (ii) The short term, specialized, and intensive treatment period
20 shall not exceed 120 days, unless the county has made progress
21 toward or is actively working toward implementing the case plan
22 that identifies the services or supports necessary to transition the
23 child to a family setting, circumstances beyond the county's control
24 have prevented the county from obtaining those services or
25 supports within the timeline documented in the case plan, and the
26 need for additional time pursuant to the case plan is documented
27 by the caseworker and approved by a deputy director or director
28 of the county child welfare department or an assistant chief
29 probation officer or chief probation officer of the county probation
30 department.

31 (iii) To the extent that placements pursuant to this paragraph
32 are extended beyond an initial 120 days, the requirements of
33 clauses (i) and (ii) shall apply to each extension. In addition, the
34 deputy director or director of the county child welfare department
35 or an assistant chief probation officer or chief probation officer of
36 the county probation department shall approve the continued
37 placement no less frequently than every 60 days.

38 (B) When a case plan indicates that placement is for purposes
39 of providing family reunification services. In addition, the facility
40 offers family reunification services that meet the needs of the

1 individual child and his or her family, permits parents to have
2 reasonable access to their children 24 hours a day, encourages
3 extensive parental involvement in meeting the daily needs of their
4 children, and employs staff trained to provide family reunification
5 services. In addition, one of the following conditions exists:

6 (i) The child's parent is also a ward of the court and resides in
7 the facility.

8 (ii) The child's parent is participating in a treatment program
9 affiliated with the facility and the child's placement in the facility
10 facilitates the coordination and provision of reunification services.

11 (iii) Placement in the facility is the only alternative that permits
12 the parent to have daily 24-hour access to the child in accordance
13 with the case plan, to participate fully in meeting all of the daily
14 needs of the child, including feeding and personal hygiene, and to
15 have access to necessary reunification services.

16 (9) (A) A child who is 6 to 12 years of age, inclusive, may be
17 placed in a community care facility licensed as a group home for
18 children only when a case plan indicates that placement is for
19 purposes of providing short term, specialized, and intensive
20 treatment for the child, the case plan specifies the need for, nature
21 of, and anticipated duration of this treatment, pursuant to paragraph
22 (2) of subdivision (c) of Section 16501.1, and is approved by the
23 deputy director or director of the county child welfare department
24 or an assistant chief probation officer or chief probation officer of
25 the county probation department.

26 (B) The short term, specialized, and intensive treatment period
27 shall not exceed six months, unless the county has made progress
28 or is actively working toward implementing the case plan that
29 identifies the services or supports necessary to transition the child
30 to a family setting, circumstances beyond the county's control
31 have prevented the county from obtaining those services or
32 supports within the timeline documented in the case plan, and the
33 need for additional time pursuant to the case plan is documented
34 by the caseworker and approved by a deputy director or director
35 of the county child welfare department or an assistant chief
36 probation officer or chief probation officer of the county probation
37 department.

38 (C) To the extent that placements pursuant to this paragraph are
39 extended beyond an initial six months, the requirements of
40 ~~subparagraph~~ *subparagraphs* (A) and (B) shall apply to each

1 extension. In addition, the deputy director or director of the county
2 child welfare department or an assistant chief probation officer or
3 chief probation officer of the county probation department shall
4 approve the continued placement no less frequently than every 60
5 days.

6 (10) Nothing in this subdivision shall be construed to allow a
7 social worker to place any dependent child outside the United
8 States, except as specified in subdivision (f).

9 (f) (1) A child under the supervision of a social worker pursuant
10 to subdivision (e) shall not be placed outside the United States
11 prior to a judicial finding that the placement is in the best interest
12 of the child, except as required by federal law or treaty.

13 (2) The party or agency requesting placement of the child outside
14 the United States shall carry the burden of proof and must show,
15 by clear and convincing evidence, that placement outside the
16 United States is in the best interest of the child.

17 (3) In determining the best interest of the child, the court shall
18 consider, but not be limited to, the following factors:

19 (A) Placement with a relative.

20 (B) Placement of siblings in the same home.

21 (C) Amount and nature of any contact between the child and
22 the potential guardian or caretaker.

23 (D) Physical and medical needs of the dependent child.

24 (E) Psychological and emotional needs of the dependent child.

25 (F) Social, cultural, and educational needs of the dependent
26 child.

27 (G) Specific desires of any dependent child who is 12 years of
28 age or older.

29 (4) If the court finds that a placement outside the United States
30 is, by clear and convincing evidence, in the best interest of the
31 child, the court may issue an order authorizing the social worker
32 to make a placement outside the United States. A child subject to
33 this subdivision shall not leave the United States prior to the
34 issuance of the order described in this paragraph.

35 (5) For purposes of this subdivision, “outside the United States”
36 shall not include the lands of any federally recognized American
37 Indian tribe or Alaskan Natives.

38 (6) This subdivision shall not apply to the placement of a
39 dependent child with a parent pursuant to subdivision (a).

1 (g) (1) If the child is taken from the physical custody of the
2 child's parent or guardian and unless the child is placed with
3 relatives, the child shall be placed in foster care in the county of
4 residence of the child's parent or guardian in order to facilitate
5 reunification of the family.

6 (2) In the event that there are no appropriate placements
7 available in the parent's or guardian's county of residence, a
8 placement may be made in an appropriate place in another county,
9 preferably a county located adjacent to the parent's or guardian's
10 community of residence.

11 (3) Nothing in this section shall be interpreted as requiring
12 multiple disruptions of the child's placement corresponding to
13 frequent changes of residence by the parent or guardian. In
14 determining whether the child should be moved, the social worker
15 shall take into consideration the potential harmful effects of
16 disrupting the placement of the child and the parent's or guardian's
17 reason for the move.

18 (4) When it has been determined that it is necessary for a child
19 to be placed in a county other than the child's parent's or guardian's
20 county of residence, the specific reason the out-of-county
21 placement is necessary shall be documented in the child's case
22 plan. If the reason the out-of-county placement is necessary is the
23 lack of resources in the sending county to meet the specific needs
24 of the child, those specific resource needs shall be documented in
25 the case plan.

26 (5) When it has been determined that a child is to be placed out
27 of county either in a group home or with a foster family agency
28 for subsequent placement in a certified foster family home, and
29 the sending county is to maintain responsibility for supervision
30 and visitation of the child, the sending county shall develop a plan
31 of supervision and visitation that specifies the supervision and
32 visitation activities to be performed and specifies that the sending
33 county is responsible for performing those activities. In addition
34 to the plan of supervision and visitation, the sending county shall
35 document information regarding any known or suspected dangerous
36 behavior of the child that indicates the child may pose a safety
37 concern in the receiving county. Upon implementation of the Child
38 Welfare Services Case Management System, the plan of
39 supervision and visitation, as well as information regarding any
40 known or suspected dangerous behavior of the child, shall be made

1 available to the receiving county upon placement of the child in
2 the receiving county. If placement occurs on a weekend or holiday,
3 the information shall be made available to the receiving county on
4 or before the end of the next business day.

5 (6) When it has been determined that a child is to be placed out
6 of county and the sending county plans that the receiving county
7 shall be responsible for the supervision and visitation of the child,
8 the sending county shall develop a formal agreement between the
9 sending and receiving counties. The formal agreement shall specify
10 the supervision and visitation to be provided the child, and shall
11 specify that the receiving county is responsible for providing the
12 supervision and visitation. The formal agreement shall be approved
13 and signed by the sending and receiving counties prior to placement
14 of the child in the receiving county. In addition, upon completion
15 of the case plan, the sending county shall provide a copy of the
16 completed case plan to the receiving county. The case plan shall
17 include information regarding any known or suspected dangerous
18 behavior of the child that indicates the child may pose a safety
19 concern to the receiving county.

20 (h) Whenever the social worker must change the placement of
21 the child and is unable to find a suitable placement within the
22 county and must place the child outside the county, the placement
23 shall not be made until he or she has served written notice on the
24 parent or guardian at least 14 days prior to the placement, unless
25 the child's health or well-being is endangered by delaying the
26 action or would be endangered if prior notice were given. The
27 notice shall state the reasons which require placement outside the
28 county. The parent or guardian may object to the placement not
29 later than seven days after receipt of the notice and, upon objection,
30 the court shall hold a hearing not later than five days after the
31 objection and prior to the placement. The court shall order
32 out-of-county placement if it finds that the child's particular needs
33 require placement outside the county.

34 (i) Where the court has ordered removal of the child from the
35 physical custody of his or her parents pursuant to Section 361, the
36 court shall consider whether the family ties and best interest of the
37 child will be served by granting visitation rights to the child's
38 grandparents. The court shall clearly specify those rights to the
39 social worker.

(j) Where the court has ordered removal of the child from the physical custody of his or her parents pursuant to Section 361, the court shall consider whether there are any siblings under the court's jurisdiction, or any nondependent siblings in the custody of a parent subject to the court's jurisdiction, the nature of the relationship between the child and his or her siblings, the appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002, and the impact of the sibling relationships on the child's placement and planning for legal permanence.

(k) (1) When an agency has placed a child with a relative caregiver, a nonrelative extended family member, a licensed foster family home, or a group home, the agency shall ensure placement of the child in a home that, to the fullest extent possible, best meets the day-to-day needs of the child. A home that best meets the day-to-day needs of the child shall satisfy all of the following criteria:

(A) The child's caregiver is able to meet the day-to-day health, safety, and well-being needs of the child.

(B) The child's caregiver is permitted to maintain the least restrictive and most family-like environment that serves the day-to-day needs of the child.

(C) The child is permitted to engage in reasonable, age-appropriate day-to-day activities that promote the most family-like environment for the foster child.

(2) The foster child's caregiver shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, to determine day-to-day activities that are age appropriate to meet the needs of the child. Nothing in this section shall be construed to permit a child's caregiver to permit the child to engage in day-to-day activities that carry an unreasonable risk of harm, or subject the child to abuse or neglect.

SEC. 3. Section 362.1 of the Welfare and Institutions Code is amended to read:

362.1. (a) In order to maintain ties between the parent or guardian and any siblings and the child, and to provide information relevant to deciding if, and when, to return a child to the custody of his or her parent or guardian, or to encourage or suspend sibling interaction, any order placing a child in foster care, and ordering reunification services, shall provide as follows:

1 (1) (A) Subject to subparagraph (B), for visitation between the
2 parent or guardian and the child. Visitation shall be as frequent as
3 possible, consistent with the well-being of the child.

4 (B) No visitation order shall jeopardize the safety of the child.
5 To protect the safety of the child, the court may keep the child's
6 address confidential. If the parent of the child has been convicted
7 of murder in the first degree, as defined in Section 189 of the Penal
8 Code, and the victim of the murder was the other parent of the
9 child, the court shall order visitation between the child and the
10 parent only if that order would be consistent with Section 3030 of
11 the Family Code.

12 (2) Pursuant to subdivision (b) of Section 16002, for visitation
13 between the child and any siblings, unless the court finds by clear
14 and convincing evidence that sibling interaction is contrary to the
15 safety or well-being of either child.

16 (3) Pursuant to subdivision (c) of Section 16002, for review of
17 the reasons for any suspension of sibling interaction at each
18 periodic review hearing pursuant to Section 366, and for a
19 requirement that, in order for a suspension to continue, the court
20 shall make a renewed finding that sibling interaction is contrary
21 to the safety or well-being of either child.

22 (4) If the child is a teen parent who has custody of his or her
23 child and that child is not a dependent of the court pursuant to this
24 chapter, for visitation among the teen parent, the child's
25 noncustodial parent, and appropriate family members, unless the
26 court finds by clear and convincing evidence that visitation would
27 be detrimental to the teen parent.

28 (b) When reunification services are not ordered pursuant to
29 Section 361.5, the child's plan for legal permanency shall include
30 consideration of the existence of and the relationship with any
31 sibling pursuant to Section 16002, including their impact on
32 placement and visitation.

33 (c) As used in this section, "sibling" means a child related to
34 another person by blood, adoption, or affinity through a common
35 legal or biological parent.

36 SEC. 4. Section 366 of the Welfare and Institutions Code is
37 amended to read:

38 366. (a) (1) The status of every dependent child in foster care
39 shall be reviewed periodically as determined by the court but no
40 less frequently than once every six months, as calculated from the

1 date of the original dispositional hearing, until the hearing
2 described in Section 366.26 is completed. The court shall consider
3 the safety of the child and shall determine all of the following:

4 (A) The continuing necessity for and appropriateness of the
5 placement.

6 (B) The extent of the agency's compliance with the case plan
7 in making reasonable efforts, or, in the case of an Indian child,
8 active efforts as described in Section 361.7, to return the child to
9 a safe home and to complete any steps necessary to finalize the
10 permanent placement of the child, including efforts to maintain
11 relationships between a child who is 10 years of age or older and
12 who has been in an out-of-home placement for six months or
13 longer, and individuals other than the child's siblings who are
14 important to the child, consistent with the child's best interests.

15 (C) Whether there should be any limitation on the right of the
16 parent or guardian to make educational decisions or developmental
17 services decisions for the child. That limitation shall be specifically
18 addressed in the court order and may not exceed those necessary
19 to protect the child. Whenever the court specifically limits the right
20 of the parent or guardian to make educational decisions or
21 developmental services decisions for the child, the court shall at
22 the same time appoint a responsible adult to make educational
23 decisions or developmental services decisions for the child pursuant
24 to Section 361.

25 (D) (i) Whether the child has other siblings under the court's
26 jurisdiction, and, if any siblings exist, all of the following:

27 (I) The nature of the relationship between the child and his or
28 her siblings.

29 (II) The appropriateness of developing or maintaining the sibling
30 relationships pursuant to Section 16002.

31 (III) If the siblings are not placed together in the same home,
32 why the siblings are not placed together and what efforts are being
33 made to place the siblings together, or why those efforts are not
34 appropriate.

35 (IV) If the siblings are not placed together, all of the following:

36 (ia) The frequency and nature of the visits between the siblings.

37 (ib) If there are visits between the siblings, whether the visits
38 are supervised or unsupervised. If the visits are supervised, a
39 discussion of the reasons why the visits are supervised, and what
40 needs to be accomplished in order for the visits to be unsupervised.

1 (ic) If there are visits between the siblings, a description of the
2 location and length of the visits.

3 (id) Any plan to increase visitation between the siblings.

4 (V) The impact of the sibling relationships on the child's
5 placement and planning for legal permanence.

6 (VI) The continuing need to suspend sibling interaction, if
7 applicable, pursuant to subdivision (c) of Section 16002.

8 (ii) The factors the court may consider in making a determination
9 regarding the nature of the child's sibling relationships may
10 include, but are not limited to, whether the siblings were raised
11 together in the same home, whether the siblings have shared
12 significant common experiences or have existing close and strong
13 bonds, whether either sibling expresses a desire to visit or live with
14 his or her sibling, as applicable, and whether ongoing contact is
15 in the child's best emotional interests.

16 (E) The extent of progress that has been made toward alleviating
17 or mitigating the causes necessitating placement in foster care.

18 (F) If the review hearing is the last review hearing to be held
19 before the child attains 18 years of age, the court shall conduct the
20 hearing pursuant to Section 366.31 or 366.32.

21 (2) The court shall project a likely date by which the child may
22 be returned to and safely maintained in the home or placed for
23 adoption, legal guardianship, or in another planned permanent
24 living arrangement.

25 (b) Subsequent to the hearing, periodic reviews of each child
26 in foster care shall be conducted pursuant to the requirements of
27 Sections 366.3 and 16503.

28 (c) If the child has been placed out of state, each review
29 described in subdivision (a) and any reviews conducted pursuant
30 to Sections 366.3 and 16503 shall also address whether the
31 out-of-state placement continues to be the most appropriate
32 placement selection and in the best interests of the child.

33 (d) (1) A review described in subdivision (a) and any reviews
34 conducted pursuant to Sections 366.3 and 16503 shall not result
35 in a placement of a child outside the United States prior to a judicial
36 finding that the placement is in the best interest of the child, except
37 as required by federal law or treaty.

38 (2) The party or agency requesting placement of the child outside
39 the United States shall carry the burden of proof and must show,

1 by clear and convincing evidence, that a placement outside the
2 United States is in the best interest of the child.

3 (3) In determining the best interest of the child, the court shall
4 consider, but not be limited to, the following factors:

5 (A) Placement with a relative.

6 (B) Placement of siblings in the same home.

7 (C) Amount and nature of any contact between the child and
8 the potential guardian or caretaker.

9 (D) Physical and medical needs of the dependent child.

10 (E) Psychological and emotional needs of the dependent child.

11 (F) Social, cultural, and educational needs of the dependent
12 child.

13 (G) Specific desires of any dependent child who is 12 years of
14 age or older.

15 (4) If the court finds that a placement outside the United States
16 is, by clear and convincing evidence, in the best interest of the
17 child, the court may issue an order authorizing the social worker
18 or placing agency to make a placement outside the United States.
19 A child subject to this subdivision shall not leave the United States
20 prior to the issuance of the order described in this paragraph.

21 (5) For purposes of this subdivision, “outside the United States”
22 shall not include the lands of any federally recognized American
23 Indian tribe or Alaskan Natives.

24 (6) This section shall not apply to the placement of a dependent
25 child with a parent.

26 (e) A child may not be placed in an out-of-state group home,
27 or remain in an out-of-state group home, unless the group home
28 is in compliance with Section 7911.1 of the Family Code.

29 (f) The implementation and operation of the amendments to
30 subparagraph (B) of paragraph (1) of subdivision (a) enacted at
31 the 2005–06 Regular Session shall be subject to appropriation
32 through the budget process and by phase, as provided in Section
33 366.35.

34 (g) The status review of every nonminor dependent, as defined
35 in subdivision (v) of Section 11400, shall be conducted pursuant
36 to the requirements of Sections 366.3, 366.31, or 366.32, and 16503
37 until dependency jurisdiction is terminated pursuant to Section
38 391.

39 SEC. 5. Section 366.1 of the Welfare and Institutions Code is
40 amended to read:

1 366.1. Each supplemental report required to be filed pursuant
2 to Section 366 shall include, but not be limited to, a factual
3 discussion of each of the following subjects:

4 (a) Whether the county welfare department social worker has
5 considered child protective services, as defined in Chapter 5
6 (commencing with Section 16500) of Part 4 of Division 9, as a
7 possible solution to the problems at hand, and has offered those
8 services to qualified parents, if appropriate under the circumstances.

9 (b) What plan, if any, for the return and maintenance of the
10 child in a safe home is recommended to the court by the county
11 welfare department social worker.

12 (c) Whether the subject child appears to be a person who is
13 eligible to be considered for further court action to free the child
14 from parental custody and control.

15 (d) What actions, if any, have been taken by the parent to correct
16 the problems that caused the child to be made a dependent child
17 of the court.

18 (e) If the parent or guardian is unwilling or unable to participate
19 in making an educational decision for his or her child, or if other
20 circumstances exist that compromise the ability of the parent or
21 guardian to make educational decisions for the child, the county
22 welfare department or social worker shall consider whether the
23 right of the parent or guardian to make educational decisions for
24 the child should be limited. If the supplemental report makes that
25 recommendation, the report shall identify whether there is a
26 responsible adult available to make educational decisions for the
27 child pursuant to Section 361.

28 (f) (1) Whether the child has any siblings under the court's
29 jurisdiction, and, if any siblings exist, all of the following:

30 (A) The nature of the relationship between the child and his or
31 her siblings.

32 (B) The appropriateness of developing or maintaining the sibling
33 relationships pursuant to Section 16002.

34 (C) If the siblings are not placed together in the same home,
35 why the siblings are not placed together and what efforts are being
36 made to place the siblings together, or why those efforts are not
37 appropriate.

38 (D) If the siblings are not placed together, all of the following:

39 (i) The frequency and nature of the visits between the siblings.

1 (ii) If there are visits between the siblings, whether the visits
2 are supervised or unsupervised. If the visits are supervised, a
3 discussion of the reasons why the visits are supervised, and what
4 needs to be accomplished in order for the visits to be unsupervised.

5 (iii) If there are visits between the siblings, a description of the
6 location and length of the visits.

7 (iv) Any plan to increase visitation between the siblings.

8 (E) The impact of the sibling relationships on the child's
9 placement and planning for legal permanence.

10 (2) The factual discussion shall include a discussion of indicators
11 of the nature of the child's sibling relationships, including, but not
12 limited to, whether the siblings were raised together in the same
13 home, whether the siblings have shared significant common
14 experiences or have existing close and strong bonds, whether either
15 sibling expresses a desire to visit or live with his or her sibling, as
16 applicable, and whether ongoing contact is in the child's best
17 emotional interests.

18 (g) Whether a child who is 10 years of age or older and who
19 has been in an out-of-home placement for six months or longer
20 has relationships with individuals other than the child's siblings
21 that are important to the child, consistent with the child's best
22 interests, and actions taken to maintain those relationships. The
23 social worker shall ask every child who is 10 years of age or older
24 and who has been in an out-of-home placement for six months or
25 longer to identify any individuals other than the child's siblings
26 who are important to the child, consistent with the child's best
27 interest. The social worker may ask any other child to provide that
28 information, as appropriate.

29 (h) The implementation and operation of the amendments to
30 subdivision (g) enacted at the 2005–06 Regular Session shall be
31 subject to appropriation through the budget process and by phase,
32 as provided in Section 366.35.

33 SEC. 6. Section 366.3 of the Welfare and Institutions Code is
34 amended to read:

35 366.3. (a) If a juvenile court orders a permanent plan of
36 adoption, tribal customary adoption, adoption of a nonminor
37 dependent pursuant to subdivision (f) of Section 366.31, or legal
38 guardianship pursuant to Section 360 or 366.26, the court shall
39 retain jurisdiction over the child or nonminor dependent until the
40 child or nonminor dependent is adopted or the legal guardianship

1 is established, except as provided for in Section 366.29 or, on and
2 after January 1, 2012, Section 366.32. The status of the child or
3 nonminor dependent shall be reviewed every six months to ensure
4 that the adoption or legal guardianship is completed as
5 expeditiously as possible. When the adoption of the child or
6 nonminor dependent has been granted, or in the case of a tribal
7 customary adoption, when the tribal customary adoption order has
8 been afforded full faith and credit and the petition for adoption
9 has been granted, the court shall terminate its jurisdiction over the
10 child or nonminor dependent. Following establishment of a legal
11 guardianship, the court may continue jurisdiction over the child
12 as a dependent child of the juvenile court or may terminate its
13 dependency jurisdiction and retain jurisdiction over the child as a
14 ward of the legal guardianship, as authorized by Section 366.4. If,
15 however, a relative of the child is appointed the legal guardian of
16 the child and the child has been placed with the relative for at least
17 six months, the court shall, except if the relative guardian objects,
18 or upon a finding of exceptional circumstances, terminate its
19 dependency jurisdiction and retain jurisdiction over the child as a
20 ward of the guardianship, as authorized by Section 366.4.
21 Following a termination of parental rights, the parent or parents
22 shall not be a party to, or receive notice of, any subsequent
23 proceedings regarding the child.

24 (b) If the court has dismissed dependency jurisdiction following
25 the establishment of a legal guardianship, or no dependency
26 jurisdiction attached because of the granting of a legal guardianship
27 pursuant to Section 360, and the legal guardianship is subsequently
28 revoked or otherwise terminated, the county department of social
29 services or welfare department shall notify the juvenile court of
30 this fact. The court may vacate its previous order dismissing
31 dependency jurisdiction over the child.

32 Notwithstanding Section 1601 of the Probate Code, the
33 proceedings to terminate a legal guardianship that has been granted
34 pursuant to Section 360 or 366.26 shall be held either in the
35 juvenile court that retains jurisdiction over the guardianship as
36 authorized by Section 366.4 or the juvenile court in the county
37 where the guardian and child currently reside, based on the best
38 interests of the child, unless the termination is due to the
39 emancipation or adoption of the child. The juvenile court having
40 jurisdiction over the guardianship shall receive notice from the

1 court in which the petition is filed within five calendar days of the
2 filing. Prior to the hearing on a petition to terminate legal
3 guardianship pursuant to this subdivision, the court shall order the
4 county department of social services or welfare department having
5 jurisdiction or jointly with the county department where the
6 guardian and child currently reside to prepare a report, for the
7 court's consideration, that shall include an evaluation of whether
8 the child could safely remain in, or be returned to, the legal
9 guardian's home, without terminating the legal guardianship, if
10 services were provided to the child or legal guardian. If applicable,
11 the report shall also identify recommended family maintenance or
12 reunification services to maintain the legal guardianship and set
13 forth a plan for providing those services. If the petition to terminate
14 legal guardianship is granted, either juvenile court may resume
15 dependency jurisdiction over the child, and may order the county
16 department of social services or welfare department to develop a
17 new permanent plan, which shall be presented to the court within
18 60 days of the termination. If no dependency jurisdiction has
19 attached, the social worker shall make any investigation he or she
20 deems necessary to determine whether the child may be within the
21 jurisdiction of the juvenile court, as provided in Section 328.

22 Unless the parental rights of the child's parent or parents have
23 been terminated, they shall be notified that the legal guardianship
24 has been revoked or terminated and shall be entitled to participate
25 in the new permanency planning hearing. The court shall try to
26 place the child in another permanent placement. At the hearing,
27 the parents may be considered as custodians but the child shall not
28 be returned to the parent or parents unless they prove, by a
29 preponderance of the evidence, that reunification is the best
30 alternative for the child. The court may, if it is in the best interests
31 of the child, order that reunification services again be provided to
32 the parent or parents.

33 (c) If, following the establishment of a legal guardianship, the
34 county welfare department becomes aware of changed
35 circumstances that indicate adoption or, for an Indian child, tribal
36 customary adoption, may be an appropriate plan for the child, the
37 department shall so notify the court. The court may vacate its
38 previous order dismissing dependency jurisdiction over the child
39 and order that a hearing be held pursuant to Section 366.26 to
40 determine whether adoption or continued legal guardianship is the

1 most appropriate plan for the child. The hearing shall be held no
2 later than 120 days from the date of the order. If the court orders
3 that a hearing shall be held pursuant to Section 366.26, the court
4 shall direct the agency supervising the child and the county
5 adoption agency, or the State Department of Social Services if it
6 is acting as an adoption agency, to prepare an assessment under
7 subdivision (b) of Section 366.22.

8 (d) If the child or, on and after January 1, 2012, nonminor
9 dependent is in a placement other than the home of a legal guardian
10 and jurisdiction has not been dismissed, the status of the child shall
11 be reviewed at least every six months. The review of the status of
12 a child for whom the court has ordered parental rights terminated
13 and who has been ordered placed for adoption shall be conducted
14 by the court. The review of the status of a child or, on and after
15 January 1, 2012, nonminor dependent for whom the court has not
16 ordered parental rights terminated and who has not been ordered
17 placed for adoption may be conducted by the court or an
18 appropriate local agency. The court shall conduct the review under
19 the following circumstances:

20 (1) Upon the request of the child's parents or legal guardians.

21 (2) Upon the request of the child or, on and after January 1,
22 2012, nonminor dependent.

23 (3) It has been 12 months since a hearing held pursuant to
24 Section 366.26 or an order that the child remain in long-term foster
25 care pursuant to Section 366.21, 366.22, 366.25, 366.26, or
26 subdivision (h).

27 (4) It has been 12 months since a review was conducted by the
28 court.

29 The court shall determine whether or not reasonable efforts to
30 make and finalize a permanent placement for the child have been
31 made.

32 (e) Except as provided in subdivision (g), at the review held
33 every six months pursuant to subdivision (d), the reviewing body
34 shall inquire about the progress being made to provide a permanent
35 home for the child, shall consider the safety of the child, and shall
36 determine all of the following:

37 (1) The continuing necessity for, and appropriateness of, the
38 placement.

39 (2) Identification of individuals other than the child's siblings
40 who are important to a child who is 10 years of age or older and

1 has been in out-of-home placement for six months or longer, and
2 actions necessary to maintain the child's relationship with those
3 individuals, provided that those relationships are in the best interest
4 of the child. The social worker shall ask every child who is 10
5 years of age or older and who has been in out-of-home placement
6 for six months or longer to identify individuals other than the
7 child's siblings who are important to the child, and may ask any
8 other child to provide that information, as appropriate. The social
9 worker shall make efforts to identify other individuals who are
10 important to the child, consistent with the child's best interests.

11 (3) The continuing appropriateness and extent of compliance
12 with the permanent plan for the child, including efforts to maintain
13 relationships between a child who is 10 years of age or older and
14 who has been in out-of-home placement for six months or longer
15 and individuals who are important to the child and efforts to
16 identify a prospective adoptive parent or legal guardian, including,
17 but not limited to, child-specific recruitment efforts and listing on
18 an adoption exchange.

19 (4) The extent of the agency's compliance with the child welfare
20 services case plan in making reasonable efforts either to return the
21 child to the safe home of the parent or to complete whatever steps
22 are necessary to finalize the permanent placement of the child. If
23 the reviewing body determines that a second period of reunification
24 services is in the child's best interests, and that there is a significant
25 likelihood of the child's return to a safe home due to changed
26 circumstances of the parent, pursuant to subdivision (f), the specific
27 reunification services required to effect the child's return to a safe
28 home shall be described.

29 (5) Whether there should be any limitation on the right of the
30 parent or guardian to make educational decisions or developmental
31 services decisions for the child. That limitation shall be specifically
32 addressed in the court order and may not exceed what is necessary
33 to protect the child. If the court specifically limits the right of the
34 parent or guardian to make educational decisions or developmental
35 services decisions for the child, the court shall at the same time
36 appoint a responsible adult to make educational decisions or
37 developmental services decisions for the child pursuant to Section
38 361.

39 (6) The adequacy of services provided to the child. The court
40 shall consider the progress in providing the information and

1 documents to the child, as described in Section 391. The court
2 shall also consider the need for, and progress in providing, the
3 assistance and services described in Section 391.

4 (7) The extent of progress the parents or legal guardians have
5 made toward alleviating or mitigating the causes necessitating
6 placement in foster care.

7 (8) The likely date by which the child may be returned to, and
8 safely maintained in, the home, placed for adoption, legal
9 guardianship, in another planned permanent living arrangement,
10 or, for an Indian child, in consultation with the child's tribe, placed
11 for tribal customary adoption.

12 (9) Whether the child has any siblings under the court's
13 jurisdiction, and, if any siblings exist, all of the following:

14 (A) The nature of the relationship between the child and his or
15 her siblings.

16 (B) The appropriateness of developing or maintaining the sibling
17 relationships pursuant to Section 16002.

18 (C) If the siblings are not placed together in the same home,
19 why the siblings are not placed together and what efforts are being
20 made to place the siblings together, or why those efforts are not
21 appropriate.

22 (D) If the siblings are not placed together, all of the following:

23 (i) The frequency and nature of the visits between the siblings.

24 (ii) If there are visits between the siblings, whether the visits
25 are supervised or unsupervised. If the visits are supervised, a
26 discussion of the reasons why the visits are supervised, and what
27 needs to be accomplished in order for the visits to be unsupervised.

28 (iii) If there are visits between the siblings, a description of the
29 location and length of the visits.

30 (iv) Any plan to increase visitation between the siblings.

31 (E) The impact of the sibling relationships on the child's
32 placement and planning for legal permanence.

33 The factors the court may consider as indicators of the nature of
34 the child's sibling relationships include, but are not limited to,
35 whether the siblings were raised together in the same home,
36 whether the siblings have shared significant common experiences
37 or have existing close and strong bonds, whether either sibling
38 expresses a desire to visit or live with his or her sibling, as
39 applicable, and whether ongoing contact is in the child's best
40 emotional interests.

1 (10) For a child who is 16 years of age or older, and, effective
2 January 1, 2012, for a nonminor dependent, the services needed
3 to assist the child or nonminor dependent to make the transition
4 from foster care to independent living.

5 The reviewing body shall determine whether or not reasonable
6 efforts to make and finalize a permanent placement for the child
7 have been made.

8 Each licensed foster family agency shall submit reports for each
9 child in its care, custody, and control to the court concerning the
10 continuing appropriateness and extent of compliance with the
11 child's permanent plan, the extent of compliance with the case
12 plan, and the type and adequacy of services provided to the child.

13 (f) Unless their parental rights have been permanently
14 terminated, the parent or parents of the child are entitled to receive
15 notice of, and participate in, those hearings. It shall be presumed
16 that continued care is in the best interests of the child, unless the
17 parent or parents prove, by a preponderance of the evidence, that
18 further efforts at reunification are the best alternative for the child.
19 In those cases, the court may order that further reunification
20 services to return the child to a safe home environment be provided
21 to the parent or parents up to a period of six months, and family
22 maintenance services, as needed for an additional six months in
23 order to return the child to a safe home environment. On and after
24 January 1, 2012, this subdivision shall not apply to the parents of
25 a nonminor dependent.

26 (g) At the review conducted by the court and held at least every
27 six months, regarding a child for whom the court has ordered
28 parental rights terminated and who has been ordered placed for
29 adoption, or, for an Indian child for whom parental rights are not
30 being terminated and a tribal customary adoption is being
31 considered, the county welfare department shall prepare and present
32 to the court a report describing the following:

33 (1) The child's present placement.

34 (2) The child's current physical, mental, emotional, and
35 educational status.

36 (3) If the child has not been placed with a prospective adoptive
37 parent or guardian, identification of individuals, other than the
38 child's siblings, who are important to the child and actions
39 necessary to maintain the child's relationship with those
40 individuals, provided that those relationships are in the best interest

1 of the child. The agency shall ask every child who is 10 years of
2 age or older to identify any individuals who are important to him
3 or her, consistent with the child's best interest, and may ask any
4 child who is younger than 10 years of age to provide that
5 information as appropriate. The agency shall make efforts to
6 identify other individuals who are important to the child.

7 (4) Whether the child has been placed with a prospective
8 adoptive parent or parents.

9 (5) Whether an adoptive placement agreement has been signed
10 and filed.

11 (6) If the child has not been placed with a prospective adoptive
12 parent or parents, the efforts made to identify an appropriate
13 prospective adoptive parent or legal guardian, including, but not
14 limited to, child-specific recruitment efforts and listing on an
15 adoption exchange.

16 (7) Whether the final adoption order should include provisions
17 for postadoptive sibling contact pursuant to Section 366.29.

18 (8) The progress of the search for an adoptive placement if one
19 has not been identified.

20 (9) Any impediments to the adoption or the adoptive placement.

21 (10) The anticipated date by which the child will be adopted or
22 placed in an adoptive home.

23 (11) The anticipated date by which an adoptive placement
24 agreement will be signed.

25 (12) Recommendations for court orders that will assist in the
26 placement of the child for adoption or in the finalization of the
27 adoption.

28 The court shall determine whether or not reasonable efforts to
29 make and finalize a permanent placement for the child have been
30 made.

31 The court shall make appropriate orders to protect the stability
32 of the child and to facilitate and expedite the permanent placement
33 and adoption of the child.

34 (h) At the review held pursuant to subdivision (d) for a child in
35 long-term foster care, the court shall consider all permanency
36 planning options for the child including whether the child should
37 be returned to the home of the parent, placed for adoption, or, for
38 an Indian child, in consultation with the child's tribe, placed for
39 tribal customary adoption, or appointed a legal guardian, or, if
40 compelling reasons exist for finding that none of the foregoing

1 options are in the best interest of the child, whether the child should
2 be placed in another planned permanent living arrangement. The
3 court shall order that a hearing be held pursuant to Section 366.26,
4 unless it determines by clear and convincing evidence that there
5 is a compelling reason for determining that a hearing held pursuant
6 to Section 366.26 is not in the best interest of the child because
7 the child is being returned to the home of the parent, the child is
8 not a proper subject for adoption, or no one is willing to accept
9 legal guardianship. If the county adoption agency, or the
10 department when it is acting as an adoption agency, has determined
11 it is unlikely that the child will be adopted or one of the conditions
12 described in paragraph (1) of subdivision (c) of Section 366.26
13 applies, that fact shall constitute a compelling reason for purposes
14 of this subdivision. Only upon that determination may the court
15 order that the child remain in long-term foster care, without holding
16 a hearing pursuant to Section 366.26. On and after January 1, 2012,
17 the nonminor dependent's legal status as an adult is in and of itself
18 a compelling reason not to hold a hearing pursuant to Section
19 366.26.

20 (i) If, as authorized by subdivision (h), the court orders a hearing
21 pursuant to Section 366.26, the court shall direct the agency
22 supervising the child and the county adoption agency, or the State
23 Department of Social Services when it is acting as an adoption
24 agency, to prepare an assessment as provided for in subdivision
25 (i) of Section 366.21 or subdivision (b) of Section 366.22. A
26 hearing held pursuant to Section 366.26 shall be held no later than
27 120 days from the date of the 12-month review at which it is
28 ordered, and at that hearing the court shall determine whether
29 adoption, tribal customary adoption, legal guardianship, or
30 long-term foster care is the most appropriate plan for the child. On
31 and after January 1, 2012, a hearing pursuant to Section 366.26
32 shall not be ordered if the child is a nonminor dependent, unless
33 the nonminor dependent is an Indian child and tribal customary
34 adoption is recommended as the permanent plan. The court may
35 order that a nonminor dependent who otherwise is eligible pursuant
36 to Section 11403 remain in a planned, permanent living
37 arrangement. At the request of the nonminor dependent who has
38 an established relationship with an adult determined to be the
39 nonminor dependent's permanent connection, the court may order

1 adoption of the nonminor dependent pursuant to subdivision (f)
2 of Section 366.31.

3 (j) The implementation and operation of the amendments to
4 subdivision (e) enacted at the 2005–06 Regular Session shall be
5 subject to appropriation through the budget process and by phase,
6 as provided in Section 366.35.

7 (k) The reviews conducted pursuant to subdivision (a) or (d)
8 may be conducted earlier than every six months if the court
9 determines that an earlier review is in the best interests of the child
10 or as court rules prescribe.

11 SEC. 7. Section 388 of the Welfare and Institutions Code is
12 amended to read:

13 388. (a) (1) Any parent or other person having an interest in
14 a child who is a dependent child of the juvenile court or a nonminor
15 dependent as defined in subdivision (v) of Section 11400, or the
16 child himself or herself or the nonminor dependent through a
17 properly appointed guardian may, upon grounds of change of
18 circumstance or new evidence, petition the court in the same action
19 in which the child was found to be a dependent child of the juvenile
20 court or in which a guardianship was ordered pursuant to Section
21 360 for a hearing to change, modify, or set aside any order of court
22 previously made or to terminate the jurisdiction of the court. The
23 petition shall be verified and, if made by a person other than the
24 child or the nonminor dependent shall state the petitioner's
25 relationship to or interest in the child or the nonminor dependent
26 and shall set forth in concise language any change of circumstance
27 or new evidence that is alleged to require the change of order or
28 termination of jurisdiction.

29 (2) When any party, including a child who is a dependent of the
30 juvenile court, petitions the court prior to an order terminating
31 parental rights, to modify the order that reunification services were
32 not needed pursuant to paragraphs (4), (5), and (6) of subdivision
33 (b) of Section 361.5, or to modify any orders related to custody or
34 visitation of the subject child, and the court orders a hearing
35 pursuant to subdivision (d), the court shall modify the order that
36 reunification services were not needed pursuant to paragraphs (4),
37 (5), and (6) of subdivision (b) of Section 361.5, or any orders
38 related to the custody or visitation of the child for whom
39 reunification services were not ordered pursuant to paragraphs (4),
40 (5), and (6) of subdivision (b) of Section 361.5, only if the court

1 finds by clear and convincing evidence that the proposed change
2 is in the best interests of the child.

3 (b) (1) Any person, including a child or a nonminor dependent
4 who is a dependent of the juvenile court, may petition the court to
5 assert a relationship as a sibling related by blood, adoption, or
6 affinity through a common legal or biological parent to a child
7 who is, or is the subject of a petition for adjudication as, a
8 dependent of the juvenile court, and may request visitation with
9 the dependent child, placement with or near the dependent child,
10 or consideration when determining or implementing a case plan
11 or permanent plan for the dependent child or make any other
12 request for an order which may be shown to be in the best interest
13 of the dependent child.

14 (2) A child or nonminor dependent who is a dependent of the
15 juvenile court may petition the court to assert a relationship as a
16 sibling related by blood, adoption, or affinity through a common
17 legal or biological parent to a child who is in the physical custody
18 of a common legal or biological parent, and may request visitation
19 with the nondependent sibling in parental custody.

20 (3) Pursuant to subdivision (b) of Section 16002, a request for
21 sibling visitation ~~shall~~ *may* be granted unless it is ~~shown by clear~~
22 ~~and convincing evidence determined by the court~~ that sibling
23 visitation is contrary to the safety and well-being of any of the
24 siblings.

25 (4) The court may appoint a guardian ad litem to file the petition
26 for a dependent child asserting a sibling relationship pursuant to
27 this subdivision if the court determines that the appointment is
28 necessary for the best interests of the dependent child. The petition
29 shall be verified and shall set forth the following:

30 (A) Through which parent he or she is related to the sibling.

31 (B) Whether he or she is related to the sibling by blood,
32 adoption, or affinity.

33 (C) The request or order that the petitioner is seeking.

34 (D) Why that request or order is in the best interest of the
35 dependent child.

36 (c) (1) Any party, including a child who is a dependent of the
37 juvenile court, may petition the court, prior to the hearing set
38 pursuant to subdivision (f) of Section 366.21 for a child described
39 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
40 361.5, or prior to the hearing set pursuant to subdivision (e) of

1 Section 366.21 for a child described by subparagraph (B) or (C)
2 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
3 court-ordered reunification services provided under subdivision
4 (a) of Section 361.5 only if one of the following conditions exists:

5 (A) It appears that a change of circumstance or new evidence
6 exists that satisfies a condition set forth in subdivision (b) or (e)
7 of Section 361.5 justifying termination of court-ordered
8 reunification services.

9 (B) The action or inaction of the parent or guardian creates a
10 substantial likelihood that reunification will not occur, including,
11 but not limited to, the parent's or guardian's failure to visit the
12 child, or the failure of the parent or guardian to participate regularly
13 and make substantive progress in a court-ordered treatment plan.

14 (2) In determining whether the parent or guardian has failed to
15 visit the child or participate regularly or make progress in the
16 treatment plan, the court shall consider factors that include but are
17 not limited to, the parent's or guardian's incarceration,
18 institutionalization, detention by the United States Department of
19 Homeland Security, deportation, or participation in a court-ordered
20 residential substance abuse treatment program.

21 (3) The court shall terminate reunification services during the
22 above-described time periods only upon a finding by a
23 preponderance of evidence that reasonable services have been
24 offered or provided, and upon a finding of clear and convincing
25 evidence that one of the conditions in subparagraph (A) or (B) of
26 paragraph (1) exists.

27 (4) Any party, including a nonminor dependent, as defined in
28 subdivision (v) of Section 11400, may petition the court prior to
29 the review hearing set pursuant to subdivision (d) of Section 366.31
30 to terminate the continuation of court-ordered family reunification
31 services for a nonminor dependent who has attained 18 years of
32 age. The court shall terminate family reunification services to the
33 parent or guardian if the nonminor dependent or parent or guardian
34 are not in agreement that the continued provision of court-ordered
35 family reunification services is in the best interests of the nonminor
36 dependent.

37 (5) If the court terminates reunification services, it shall order
38 that a hearing pursuant to Section 366.26 be held within 120 days.
39 On and after January 1, 2012, a hearing pursuant to Section 366.26
40 shall not be ordered if the child is a nonminor dependent. The court

1 may order a nonminor dependent who is otherwise eligible to
2 AFDC-FC benefits pursuant to Section 11403 to remain in a
3 planned, permanent living arrangement.

4 (d) If it appears that the best interests of the child or the
5 nonminor dependent may be promoted by the proposed change of
6 order, modification of reunification services, custody, or visitation
7 orders concerning a child for whom reunification services were
8 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
9 (b) of Section 361.5, recognition of a sibling relationship,
10 termination of jurisdiction, or clear and convincing evidence
11 supports revocation or termination of court-ordered reunification
12 services, the court shall order that a hearing be held and shall give
13 prior notice, or cause prior notice to be given, to the persons and
14 in the manner prescribed by Section 386, and, in those instances
15 in which the manner of giving notice is not prescribed by those
16 sections, then in the manner the court prescribes.

17 (e) (1) On and after January 1, 2012, a nonminor who attained
18 18 years of age while subject to an order for foster care placement
19 and, commencing January 1, 2012, who has not attained 19 years
20 of age, or, commencing January 1, 2013, 20 years of age, or,
21 commencing January 1, 2014, 21 years of age, or as described in
22 Section 10103.5, for whom the court has dismissed dependency
23 jurisdiction pursuant to Section 391, or delinquency jurisdiction
24 pursuant to Section 607.2, or transition jurisdiction pursuant to
25 Section 452, but has retained general jurisdiction under subdivision
26 (b) of Section 303, or the county child welfare services, probation
27 department, or tribal placing agency on behalf of the nonminor,
28 may petition the court in the same action in which the child was
29 found to be a dependent or delinquent child of the juvenile court,
30 for a hearing to resume the dependency jurisdiction over a former
31 dependent or to assume or resume transition jurisdiction over a
32 former delinquent ward pursuant to Section 450. The petition shall
33 be filed within the period that the nonminor is of the age described
34 in this paragraph. If the nonminor has completed the voluntary
35 reentry agreement, as described in subdivision (z) of Section 11400,
36 with the placing agency, the agency shall file the petition on behalf
37 of the nonminor within 15 judicial days of the date the agreement
38 was signed unless the nonminor elects to file the petition at an
39 earlier date.

1 (2) (A) The petition to resume jurisdiction may be filed in the
2 juvenile court that retains general jurisdiction under subdivision
3 (b) of Section 303, or the petition may be submitted to the juvenile
4 court in the county where the youth resides and forwarded to the
5 juvenile court that retained general jurisdiction and filed with that
6 court. The juvenile court having general jurisdiction under Section
7 303 shall receive the petition from the court where the petition
8 was submitted within five court days of its submission, if the
9 petition is filed in the county of residence. The juvenile court that
10 retained general jurisdiction shall order that a hearing be held
11 within 15 judicial days of the date the petition was filed if there is
12 a prima facie showing that the nonminor satisfies the following
13 criteria:

14 (i) He or she was previously under juvenile court jurisdiction,
15 subject to an order for foster care placement when he or she
16 attained 18 years of age, and has not attained the age limits
17 described in paragraph (1).

18 (ii) He or she intends to satisfy at least one of the conditions set
19 forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
20 Section 11403.

21 (iii) He or she wants assistance either in maintaining or securing
22 appropriate supervised placement, or is in need of immediate
23 placement and agrees to supervised placement pursuant to the
24 voluntary reentry agreement as described in subdivision (z) of
25 Section 11400.

26 (B) Upon ordering a hearing, the court shall give prior notice,
27 or cause prior notice to be given, to the persons and by the means
28 prescribed by Section 386, except that notice to parents or former
29 guardians shall not be provided unless the nonminor requests, in
30 writing on the face of the petition, notice to the parents or former
31 guardians.

32 (3) The Judicial Council, by January 1, 2012, shall adopt rules
33 of court to allow for telephonic appearances by nonminor former
34 dependents or delinquents in these proceedings, and for telephonic
35 appearances by nonminor dependents in any proceeding in which
36 the nonminor dependent is a party, and he or she declines to appear
37 and elects a telephonic appearance.

38 (4) Prior to the hearing on a petition to resume dependency
39 jurisdiction or to assume or resume transition jurisdiction, the court
40 shall order the county child welfare or probation department to

1 prepare a report for the court addressing whether the nonminor
2 intends to satisfy at least one of the criteria set forth in subdivision
3 (b) of Section 11403. When the recommendation is for the
4 nonminor dependent to be placed in a setting where minor
5 dependents also reside, the results of a background check of the
6 petitioning nonminor conducted pursuant to Section 16504.5, may
7 be used by the placing agency to determine appropriate placement
8 options for the nonminor. The existence of a criminal conviction
9 is not a bar to eligibility for reentry or resumption of dependency
10 jurisdiction or the assumption or resumption of transition
11 jurisdiction over a nonminor.

12 (5) (A) The court shall resume dependency jurisdiction over a
13 former dependent or assume or resume transition jurisdiction over
14 a former delinquent ward pursuant to Section 450, and order that
15 the nonminor's placement and care be under the responsibility of
16 the county child welfare services department, the probation
17 department, tribe, consortium of tribes, or tribal organization, if
18 the court finds all of the following:

19 (i) The nonminor was previously under juvenile court
20 jurisdiction subject to an order for foster care placement when he
21 or she attained 18 years of age.

22 (ii) The nonminor has not attained the age limits described in
23 paragraph (1).

24 (iii) Reentry and remaining in foster care are in the nonminor's
25 best interests.

26 (iv) The nonminor intends to satisfy, and agrees to satisfy, at
27 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
28 of subdivision (b) of Section 11403, and demonstrates his or her
29 agreement to placement in a supervised setting under the placement
30 and care responsibility of the placing agency and to satisfy the
31 criteria by signing the voluntary reentry agreement as described
32 in subdivision (z) of Section 11400.

33 (B) In no event shall the court grant a continuance that would
34 cause the hearing to resume dependency jurisdiction or to assume
35 or resume transition jurisdiction to be completed more than 120
36 days after the date the petition was filed.

37 (C) The agency made responsible for the nonminor's placement
38 and care pursuant to subparagraph (A) shall prepare a new
39 transitional independent living case plan within 60 calendar days
40 from the date the nonminor signed the voluntary reentry agreement

1 as described in subdivision (z) of Section 11400 and submit it to
2 the court for the review hearing under Section 366.31, to be held
3 within 70 days of the resumption of dependency jurisdiction or
4 assumption or resumption of transition jurisdiction. In no event
5 shall the review hearing under Section 366.3 be held more than
6 170 calendar days from the date the nonminor signed the voluntary
7 reentry agreement.

8 SEC. 8. Section 16002 of the Welfare and Institutions Code is
9 amended to read:

10 16002. (a) (1) It is the intent of the Legislature to maintain
11 the continuity of the family unit, and ensure the preservation and
12 strengthening of the child's family ties by ensuring that when
13 siblings have been removed from their home, either as a group on
14 one occurrence or individually on separate occurrences, the siblings
15 will be placed in foster care together, unless it has been determined
16 that placement together is contrary to the safety or well-being of
17 any sibling. The Legislature recognizes that in order to ensure the
18 placement of a sibling group in the same foster care placement,
19 placement resources need to be expanded.

20 (2) It is also the intent of the Legislature to preserve and
21 strengthen a child's sibling relationship so that when a child has
22 been removed from his or her home and he or she has a sibling or
23 siblings who remain in the custody of a mutual parent subject to
24 the court's jurisdiction, the court has the authority to develop a
25 visitation plan for the siblings, unless it has been determined that
26 visitation is contrary to the safety or well-being of any sibling.

27 (b) The responsible local agency shall make a diligent effort in
28 all out-of-home placements of dependent children, including those
29 with relatives, to place siblings together in the same placement,
30 and to develop and maintain sibling relationships. If siblings are
31 not placed together in the same home, the social worker shall
32 explain why the siblings are not placed together and what efforts
33 he or she is making to place the siblings together or why making
34 those efforts would be contrary to the safety and well-being of any
35 of the siblings. When placement of siblings together in the same
36 home is not possible, a diligent effort shall be made, and a case
37 plan prepared, to provide for ongoing and frequent interaction
38 among siblings until family reunification is achieved, or, if parental
39 rights are terminated, as part of developing the permanent plan for
40 the child. If the court determines by clear and convincing evidence

1 that sibling interaction is contrary to the safety and well-being of
2 any of the siblings, the reasons for the determination shall be noted
3 in the court order, and interaction shall be suspended.

4 (c) When there has been a judicial suspension of sibling
5 interaction, the reasons for the suspension shall be reviewed at
6 each periodic review hearing pursuant to Section 366. In order for
7 the suspension to continue, the court shall make a renewed finding
8 that sibling interaction is contrary to the safety or well-being of
9 either child. When the court determines that sibling interaction
10 can be safely resumed, that determination shall be noted in the
11 court order and the case plan shall be revised to provide for sibling
12 interaction.

13 (d) If the case plan for the child has provisions for sibling
14 interaction, the child, or his or her parent or legal guardian shall
15 have the right to comment on those provisions. If a person wishes
16 to assert a sibling relationship with a dependent child, he or she
17 may file a petition in the juvenile court having jurisdiction over
18 the dependent child pursuant to subdivision (b) of Section 388.

19 (e) If parental rights are terminated and the court orders a
20 dependent child to be placed for adoption, the county adoption
21 agency or the State Department of Social Services shall take all
22 of the following steps to facilitate ongoing sibling contact, except
23 in those cases provided in subdivision (b) where the court
24 determines by clear and convincing evidence that sibling interaction
25 is contrary to the safety or well-being of the child:

26 (1) Include in training provided to prospective adoptive parents
27 information about the importance of sibling relationships to the
28 adopted child and counseling on methods for maintaining sibling
29 relationships.

30 (2) Provide prospective adoptive parents with information about
31 siblings of the child, except the address where the siblings of the
32 children reside. However, this address may be disclosed by court
33 order for good cause shown.

34 (3) Encourage prospective adoptive parents to make a plan for
35 facilitating postadoptive contact between the child who is the
36 subject of a petition for adoption and any siblings of this child.

37 (f) Information regarding sibling interaction, contact, or
38 visitation that has been authorized or ordered by the court shall be
39 provided to the foster parent, relative caretaker, or legal guardian

1 of the child as soon as possible after the court order is made, in
2 order to facilitate the interaction, contact, or visitation.

3 (g) As used in this section, “sibling” means a child related to
4 another person by blood, adoption, or affinity through a common
5 legal or biological parent.

6 (h) The court documentation on sibling placements required
7 under this section shall not require the modification of existing
8 court order forms until the Child Welfare Services Case
9 Management System is implemented on a statewide basis.

10 SEC. 9. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.